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COMMITTEE ON THE RIGHTS OF THE CHILD

Twelfth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on
the Rights of the Child: Lebanon

1. The Committee considered the initial report of Lebanon (CRC/C/8/Add.23) at its 289th, 290th and 291st meetings (CRC/C/SR.289-291) held on 20 and 21 May 1996 and adopted* the following concluding observations:

A. Introduction

2. The Committee notes with appreciation the submission of the initial report of Lebanon and the dialogue held with the State party. While the Committee expresses its appreciation for the supplemental written information provided by the delegation, it regrets that the State party did not submit written replies to the list of issues previously submitted by the Committee to the Government.

B. Factors and difficulties impeding the implementation of the Convention

3. The Committee notes the severe difficulties facing Lebanon as a result of almost 20 years of war and foreign intervention which has resulted in widespread destruction of its physical infrastructure and public works. The Committee also takes note of the difficulties caused by the fact that Lebanon has hosted a great number of refugees for several decades. The Committee also notes the insufficient international support for coping with the above-mentioned problems and facilitating an effective reconstruction of infrastructure and social services.

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* At the 314th meeting, held on 7 June 1996.

C. Positive aspects

4. The Committee welcomes the establishment of a Higher Council for Childhood, administered by the Ministry of Social Affairs, which serves as an independent intermediary body between relevant government ministries and with non-governmental organizations to initiate and coordinate programmes and policies. The Committee also welcomes the decision of the Higher Council to undertake a study on the legal situation in Lebanon with respect to the Convention on the Rights of the Child, which it regards as a potentially important step in the development of a more comprehensive approach to the implementation of the Convention on the Rights of the Child.

5. The Committee also welcomes the establishment of the Parliamentary Committee for the Protection of Childhood as well as the National Committee for the Disabled, both of which could be important in the endeavours to implement the principles and provisions in the Convention on the Rights of the Child.

6. The Committee notes with satisfaction the decision to establish a system for health inspections in schools and preschool institutions.

7. The Committee welcomes the adoption in September 1995 of a National Plan of Action for Child Survival, Protection and Development in Lebanon which focuses on programmes related to health and education.

8. The Committee welcomes the report from the delegation that the stigmatizing label of "illegitimate" will be abolished not only from identity cards but also from the birth registry and all other official documents.

9. The Committee welcomes the round-tables and training courses, some of them in cooperation with the United Nations Children's Fund, to educate and train teachers, as well as plans to train police, social workers and other professionals about the rights of the child. The Committee notes with satisfaction the agreement entered into by the State party with the United Nations Development Programme to undertake a statistical overview of 7,000 families representing the different regions of Lebanon on relevant social matters such as education, illiteracy, unemployment and child labour. It further welcomes the planned study on the health of mothers and children, and looks forward to receiving a copy of the results from the two studies once they are completed.

D. Principal subjects of concern

10. The Committee is concerned at the insufficient measures adopted to ensure a permanent and effective coordinating and monitoring mechanism to ensure implementation of the Convention on the Rights of the Child. The Committee also notes the insufficient measures to systematically gather reliable quantitative and qualitative data on all areas covered by the Convention and in relation to all groups of children, and to evaluate progress achieved and to assess the impact of policies adopted on children, in particular in relation to education, health, juvenile justice and children with disabilities.

11. The Committee is concerned about the insufficient measures taken to ensure that the principles and the provisions of the Convention are made widely known to children and adults.

12. As regards the implementation of article 4 of the Convention, the Committee notes with concern the inadequacy of measures taken to ensure the implementation of children's economic, social and cultural rights to the maximum extent of available resources. The Committee is also concerned that insufficient resources are allocated to human development projects and by the emerging gaps developing between those who can afford private education and medical care, and those who cannot.

13. The Committee notes that despite the fact that the provisions of international treaties to which Lebanon is a party supersede domestic legislation, laws continue to exist which are inconsistent with the provisions of the Convention on the Rights of the Child and of other international treaties.

14. The Committee is also concerned that the basic principles of the Convention, in particular the provisions of its articles 2, 3 and 12, have not been adequately reflected in legislation, policies and programmes.

15. The Committee is concerned with the apparent discrimination in the granting of nationality to a child of parents of mixed nationality; nationality may only be obtained by a child from her/his Lebanese father but not from the mother and, in the case of unmarried parents, only if the Lebanese father acknowledges the child.

16. The Committee is worried by the widespread practice of early marriage and the related consequence of high child mortality rates and the negative impact on the health of girls bearing children at an early age. It is also concerned with consanguineous marriage.

17. The Committee expresses its concern that the provision of social services appears to be concentrated in Beirut, to the disadvantage of the population living outside the capital. The Committee also notes the apparent shortage in the number of social workers.

18. The Committee notes the need for further reform in the school sector to improve the quality of education and prevent drop-outs. Specific needs appear to exist in the fields of health education and, as recognized by the delegation, teaching about values and about the environment.

19. The Committee notes the need for further reforms in the field of juvenile justice and treatment of young offenders to ensure full implementation of Convention articles 37, 39 and 40. Problems appear to exist in relation to the low age of criminal responsibility, non-separation of children from adult detainees, the lack of available health and educational facilities for young detainees, the existence and length of pre-trial custody and the non-availability of legal assistance.

20. The Committee is concerned by reports about children working in the streets or in domestic service, including children from other countries.

21. The Committee notes the need for special efforts to protect the rights of children in especially difficult circumstances, including abandoned and stateless children.

D. Suggestions and recommendations

22. Though welcoming the establishment of the Higher Council for Childhood, the Committee recommends a review of the various central and local administrative structures in order to ensure an effective coordination of policies and programmes on matters of child rights and child welfare.

23. The Committee welcomes the initiative for a comprehensive review of legislation in light of the principles and standards of the Convention on the Rights of the Child. In this regard, the Committee recommends that the minimum age of criminal responsibility, for marriage and for child labour be reviewed.

24. The Committee recommends that a permanent and multidisciplinary mechanism be developed for coordination and monitoring of the implementation of the Convention, both at national and local levels, in urban and rural areas. The Committee encourages the State party to give further consideration to the establishment of an Ombudsperson for Children or any equivalent independent complaint and monitoring mechanism. The Committee further encourages the promotion of closer cooperation for this purpose with Lebanese non-governmental organizations, to which it expresses its appreciation for the valuable work they perform in the field of the rights of the child.

25. The Committee recommends that further steps be taken by the State party to define child-related social indicators and to develop systematic means of gathering data on an ongoing basis to facilitate a comparison of progress with regard to child-related initiatives over a period of time.

26. The Committee recommends that the Government strengthen its efforts aimed at promoting advocacy and creating awareness and understanding of the principles and provisions of the Convention in light of its article 42. In the spirit of the United Nations Decade for Human Rights Education, the Committee further encourages the Government to give consideration to the incorporation of the rights of the child in school curricula. The Committee also suggests that the Government develop public campaigns with a view to addressing effectively the problem of persistent discriminatory attitudes, in particular towards girls.

27. The Committee recommends that further programmes be aimed at training personnel working with children, such as social workers, police, public health workers, and legal and judicial officers.

28. The Committee encourages the Government to pursue its efforts to ensure full compliance of its national legislation with the principles and provisions of the Convention, including non-discrimination (art. 2), the best interests

of the child (art. 3) and respect for the views of the child (art. 12). In light of articles 2 and 3, the Committee strongly recommends that legislative measures be adopted with a view to ensuring respect for the rights of girls, especially in relation to preventing early marriage.

29. The Committee recommends that the State party strengthen the existing overall priority which is given in the national budget to child-related programmes in accordance with article 4 of the Convention.

30. In relation with the growing role of private educational and health institutions, the Committee recommends that a stronger emphasis be placed on public education and the social welfare system by the Government with a view to ensuring that all children subject to the jurisdiction of the State party enjoy these fundamental rights, as well as to prevent any risk of discrimination.

31. The Committee recommends the development of a more comprehensive social policy which would include the implementation of the National Plan of Action for Child Survival, Protection and Development. Such a policy would emphasize the importance of human development. The Committee recommends that further steps be taken towards decentralization of social services so as to afford children outside the capital open and easy access to basic social services and education.

32. The Committee welcomes the steps taken to reform the school system and to improve the quality of education, including a thorough review of the curricula. It recommends measures to fully realize the provisions of the Convention relating to free and compulsory primary education for all children.

33. In view of the principles contained in article 29 (1) (d) of the Convention, which stipulates that the education of the child shall be directed to "the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national, religious groups and persons of indigenous origin", the teaching of values is an important dimension that should be incorporated in the curricula at all levels of schooling. School curricula materials should be revised accordingly.

34. The Committee recommends that the ban of the commercial marketing of infant formula be implemented and that breast-feeding be promoted among mothers in health facilities. It further suggests that a health insurance card be issued for children whose parents are not entitled to social security benefits.

35. The Committee suggests that the State party undertake a comprehensive study to examine the implications of the principle of the "best interests of the child" in relation to laws and their implementation as well as to administrative practice in all relevant fields.

36. The Committee believes that opportunities for the cultural development of children are critical and recommends that measures be taken to give children access to child literature and media. The need for playgrounds and child-friendly parks should be considered in city planning.

37. The Committee welcomes the policy of not allowing corporal punishment in schools or other official institutions and recommends a thorough review of the problem of domestic violence, including the possibility of stricter legislation against all forms of abuse against children in the spirit of article 19 of the Convention, as well as supportive social measures to assist families in crisis.

38. The Committee suggests that further efforts should be undertaken to disseminate information about the risks of consanguineous marriages, including through the media and health education programmes.

39. The Committee suggests that special programmes be developed for children with disabilities in order to define social, psychological, physical and other needs as well as to educate parents about ways of dealing with them. Further efforts are recommended to encourage schools to ensure the participation of these children in all activities.

40. The Committee suggests that the State party, in cooperation with United Nations Relief and Works Agency, seek ways of addressing the socio-economic problems among Palestinian refugees that affect children negatively.

41. The Committee recommends that the State party consider ratifying the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

42. The Committee recommends that the State party give careful consideration to placing greater emphasis on psycho-social recovery and reintegration of "passive victims" of violence and the armed conflict in Lebanon.

43. The Committee recommends that in the light of article 32 of the Convention on the Rights of the Child, further steps be taken to protect children from hazardous work, including through the adoption of stricter legislation, ratification of all relevant International Labour Organization Conventions and the appointment of a sufficient number of child labour inspectors.

44. The Committee recommends that the State party envisage undertaking a comprehensive reform of the juvenile justice system in the spirit of the Convention, in particular articles 37, 39 and 40, and relevant United Nations standards in this field such as the "Beijing Rules", the "Riyadh Guidelines" and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be given to the consideration of deprivation of liberty only as a measure of last resort and for the shortest period of time, to the protection of the rights of children deprived of liberty, to due process of law, and to the full independence and impartiality of the judiciary. Training programmes on the relevant international standards should be organized for all those professionals involved with the system of juvenile justice. The Committee would like to suggest that the Government of Lebanon consider seeking international assistance in the area of the administration of juvenile justice from the Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the United Nations (Vienna).

45. The Committee recommends that relevant international agencies and institutions, as well as other Governments, develop cooperation with Lebanese authorities and voluntary organizations, in the reconstruction effort after the many years of war devastation. Displaced persons and refugees should be given priority in such international cooperation.

46. The Committee recommends that the report submitted by the State party, the summary records of its consideration and the concluding observations of the Committee be disseminated as widely as possible within the country.

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Twelfth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Zimbabwe

1. The Committee considered the initial report of Zimbabwe (CRC/C/3/Add.35) at its 293rd, 294th and 295th meetings (CRC/C/SR.293-295) held on 22 and 23 May 1996 and adopted* the following concluding observations:

A. Introduction

2. The Committee expresses its appreciation to the State party for engaging, through a high-level and multidisciplinary delegation, in an open and fruitful dialogue with the Committee. While noting the self-critical approach of the report of the State party, the Committee regrets that the information provided therein did not follow the Committee's guidelines.

B. Positive aspects

3. The Committee notes with appreciation the steps taken by the Government to promote tolerance and democracy in society, including through constitutional provisions. In this regard, it welcomes the recent amendment No. 14 to the Constitution, which prohibits discrimination on the ground of gender. It further notes steps taken to create awareness of children's rights as well as to encourage children's participation, including by organizing a Children's Parliament and promoting Youth Councils and Child Mayors.

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* At the 314th meeting, held on 7 June 1996.

4. The Committee notes the establishment of the Inter-Ministerial Committee on Human Rights and International Law to coordinate activities of relevant government ministries and departments to implement the Convention. The Committee welcomes the decision of the Government to submit a yearly report to Cabinet and Parliament on measures taken to implement the rights set forth in the Convention.

5. The Committee is encouraged by the combined efforts of the Government and non-governmental organizations to promote children's rights.

6. The Committee notes with appreciation the establishment of the Office of the Ombudsman in 1982 and welcomes the decision to broaden its mandate to include the investigation of alleged violations of children's rights by members of the defence forces, the police and correctional officials.

7. The Committee welcomes the measures taken by the Government to improve living conditions and alleviate poverty, including through the expansion of the income-generating capacity of people in the rural areas.

8. The Committee welcomes the intention of the Government to incorporate the Convention into the school curricula. It further welcomes the attention paid by the Government to "Let's all talk about it", the campaign against AIDS being undertaken in the educational system.

9. The Committee also welcomes the "victim-friendly courts" initiative aimed at providing special counselling for the rehabilitation of victims of child sexual abuse.

C. Factors and difficulties impeding the implementation of the Convention

10. The Committee notes that Zimbabwe, prior to 1980, had a non-democratic regime where legislation and policies adopted and implemented by the authorities led to racial segregation and discrimination in society. The continuing effects of that situation, together with the burden of the external debt faced by the State party and the recent drought, have hampered implementation of the Convention.

D. Principal subjects of concern

11. The Committee is concerned that the State party has not yet undertaken a comprehensive legal reform with a view to ensuring that the national legislation fully conforms to the Convention. It notes that the existence of a dual system of common law and customary law creates additional difficulties in implementing the Convention and impedes effective monitoring of its enforcement.

12. The Committee notes with concern that the legislative measures taken to prevent and eliminate any form of discrimination in the light of article 2 of the Convention are insufficient. It notes in this regard that, according to section 23 of the Constitution, the principle of non-discrimination does not apply to private professionals or institutions; the same provision allows for derogations in important areas such as adoption, marriage, divorce and other

matters of personal law and prevents, inter alia, girls from having inheritance rights. In addition, it allows for discrimination on the basis of race in relation to the minimum age for marriage, inheritance and children born out of wedlock. The Committee further notes in this regard the different minimum ages for marriage for girls and boys in the legislation.

13. The Committee notes with concern the persistence of behavioural attitudes in the society as well as cultural and religious practices which, as recognized by the State party, hamper the implementation of children's rights. Mention can be made in this regard of the difficulties in ensuring birth registration in remote areas of abandoned and refugee children, as well as of the situation of female victims of practices such as ngozi (girl child pledging), lobola (bride price) and early marriage, and of disabled children.

14. The Committee notes with concern the lack of an effective mechanism to ensure systematic implementation of the Convention and the monitoring of progress achieved. Insufficient measures have been taken to gather reliable quantitative and qualitative data in all areas covered by the Convention and in relation to all groups of children, particularly those belonging to the most disadvantaged groups.

15. The Committee is concerned that insufficient attention has been paid to the provisions of article 4 of the Convention and notes the persistence of economic and social disparities in the enjoyment of the rights recognized by the Convention, particularly in relation to children living in rural areas, children on commercial farms and children living in poverty in urban areas. It notes in this regard that, as recognized by the State party, the introduction of fees for health care and education, as well as the inadequate social assistance system, have negatively affected the accessibility of such services to lower income groups.

16. The Committee further notes that insufficient attention has been paid to the principle of the best interests of the child both in legislation and practice, as well as to the respect for the views of the child in school, social and family life. In this regard, it is noted that, as recognized by the State party, the civil rights and freedoms of the child are to be exercised subject to parental consent or discipline, thus raising doubts as to the compatibility of this practice with the Convention, notably articles 5 and 12.

17. The Committee is concerned at the number of orphans and abandoned children as well as at the increase in child-headed families, inter alia, as a result of the high incidence of AIDS, at the inadequate measures taken to ensure the realization of their fundamental rights and at the lack of alternatives to their institutionalization.

18. The Committee expresses its concern at the acceptance in the legislation of the use of corporal punishment in school, as well as within the family. It stresses the incompatibility of corporal punishment, as well as any other form of violence, injury, neglect, abuse or degrading treatment, with the provisions of the Convention, in particular articles 19, 28 paragraph 2 and 37.

19. The Committee is concerned that primary education is neither free nor compulsory. Moreover, it expresses its concern at the lack of learning and teaching facilities as well as at the shortage of trained teachers in rural areas, and in particular on commercial farms. It shares the concern expressed by the Government at the low quality of education. The cost to families of secondary education are leading to an increasing drop-out rate for girls, particularly in rural areas. The Committee notes with concern the growing disparity within the education system owing to the parallel systems of private and public schools which results ultimately in racial segregation at school on the basis of the economic status of parents.

20. With regard to child exploitation, the Committee is concerned at the persistence of situations of child labour, including in agriculture, domestic service and on commercial farms. It notes with particular concern the lack of a legal prohibition of child labour.

21. The Committee is concerned at the present system of juvenile justice, including the lack of a clear legal prohibition of capital punishment, life imprisonment without possibility of release and indeterminate sentencing, as well as at the recourse to whipping as a disciplinary measure for boys.

E. Suggestions and recommendations

22. The Committee recommends that the State party undertake a comprehensive review of the national legal framework, with a view to ensuring its full compatibility with the principles and provisions of the Convention. Particular attention should be paid to ensuring effective implementation of the principle of non-discrimination, including by revising relevant constitutional provisions, as well as other legislative texts reflecting any kind of discrimination such as on the basis of gender, race, birth or marital status.

23. The Committee emphasizes the importance of developing an effective and permanent system of monitoring the implementation of the Convention based on close cooperation between all the relevant government ministries and departments at the national and local levels, and encourages the State party to pursue its efforts with a view to institutionalizing the collaboration with non-governmental organizations.

24. The Committee suggests that the system of data collection be improved and appropriate disaggregated indicators identified with a view to assessing the progress achieved in all areas covered by the Convention in all parts of the country and in relation to all groups of children.

25. The Committee encourages the Government to pursue its efforts aimed at broadening the mandate of the Ombudsperson with a view to ensuring that violations of children's rights are duly investigated, including when committed by members of the defence forces, law-enforcement and correctional officials, and as a means to supervise the situation of children placed in institutions and detention centres.

26. The Committee encourages the Government to adopt adequate measures to prevent and eliminate prevailing social attitudes and cultural and religious

practices hampering the realization of children's rights. Systematic information and awareness campaigns should be launched to create a deeper understanding of the Convention and of the need to respect and protect children's rights. Similarly, training activities should be developed for professional groups working with and for children, including teachers, law-enforcement and correctional officials, members of defence forces, judges, social workers and health personnel. The Committee further encourages the State party to pursue the steps undertaken to include the Convention in school curricula and to give consideration to reflecting it in the training curricula.

27. The Committee encourages the State party to adopt all appropriate measures to ensure the birth registration of all children, including those born in rural areas and on commercial farms, and encourages the efforts designed to establish registration units at schools and clinics.

28. The Committee recommends that the State party pay particular attention to the implementation of article 4 of the Convention and undertake all appropriate measures to the extent possible with available resources, for the realization of the economic, social and cultural rights of children. Special attention should be paid to the situation of the most disadvantaged groups of children, including those living in rural areas, poor urban areas and on commercial farms, as well as orphans or abandoned children, and measures should be adopted with a view to providing adequate safety nets for such children and protecting them against the adverse effects of reductions in budgetary allocations and of the introduction of fees in health and education services.

29. The Committee recommends that the State party take the principle of the best interests of the child as a primary consideration in all actions concerning children, including those undertaken by courts, public or private welfare institutions, administrative authorities or legislative bodies. The Committee encourages the State party to adopt appropriate measures to assist parents in the performance of their child-rearing responsibilities. The Committee further encourages the State party to consider appropriate alternatives to institutionalization for children deprived of family environment, as well as special protection and assistance for child-headed families. The Committee encourages the State party to consider ratifying the Hague Convention for the Protection of Children and Cooperation in respect of Inter-Country Adoption of 1993.

30. Appropriate measures should also be adopted by the State party with a view to ensuring respect for the views of the child in family, school and social life and to promoting the exercise of the rights by the child in a manner consistent with his or her evolving capacities.

31. The Committee recommends that the State party adopt appropriate legislative measures to forbid the use of any form of corporal punishment within the family and in school.

32. Similar measures should be adopted to prohibit child labour below a minimum age in the light of article 32 of the Convention. In this regard, the Committee encourages the State party to consider the recommendations made by

the International Labour Organization in its mission statement of 1993 and, in particular, to prohibit the employment of young persons below 18 in hazardous activities as well as to make education free and compulsory up to age 15. In this connection, the Committee encourages the State party to consider seeking assistance from the International Labour Organization.

33. In the field of juvenile justice, the Committee recommends that the State party raise the minimum age of criminal responsibility and incorporate in the legislation a clear prohibition of capital punishment, life imprisonment without possibility of release and indeterminate sentencing as well as of the use of whipping as a disciplinary measure.

34. The Committee further recommends that the report submitted by the State party, along with the relevant summary records and the concluding observations thereon, be disseminated as widely as possible to the public. The Committee would also like to suggest that these documents be brought to the attention of Parliament as a means of ensuring a follow-up to suggestions and recommendations made by the Committee.

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Concluding observations of the Committee on the Rights of the Child: China

1. The Committee considered the initial report of China (CRC/C/11/Add.7) at its 298th to 300th meetings (CRC/C/SR.298-300), held on 28 and 29 May 1996, and adopted* the following concluding observations:

A. Introduction

2. The Committee notes that the initial report of the State party was prepared in accordance with the general guidelines. The Committee appreciates the self-critical elements of the report, although it is noted that greater focus was placed in the report on the content of domestic legal and administrative provisions than on their practical application. It also welcomes the State party's replies to the written list of questions posed by the Committee.

3. The Committee notes with satisfaction that different ministerial departments and other bodies were involved in the preparation of the report. The Committee expresses its appreciation to the State party for having ensured that many of these departments were represented on the delegation presenting the report to the Committee. The Committee welcomes the willingness of the State party and its delegation to engage in a constructive dialogue with the Committee. It appreciates the delegation's frank admission that various difficulties remain to be overcome before the rights and principles provided for in the Convention are guaranteed to all children in China.

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* At the 314th meeting, held on 7 June 1996.

B. Positive factors

4. The Committee takes note of the considerable improvement in the general standard of living which has been recorded in recent years. The Committee further notes the programme outline which has been devised at the national level and which is in the process of being developed in all 30 provinces and autonomous regions and implemented as a follow-up to the goals set in the Declaration and Plan of Action adopted by the World Summit for Children in 1990. Note is also taken that an outline is being prepared as a follow-up to the Fourth World Conference on Women held in Beijing.

5. The considerable progress achieved by the State party in reducing the infant and under-five mortality rates, especially through the extensive efforts focused on sustaining immunization coverage, increasing immunization rates and reducing the incidence of child malnutrition, is to be commended. The State party's commitment to protecting, promoting and supporting breast-feeding as well as to establishing children's hospitals is also welcomed.

6. Noteworthy also are the various activities undertaken and supported by the State party to increase school enrolment. The State party's recognition of the importance of supporting education as a tool for fostering social and economic development is noted. Special mention is accorded to Project Hope which is designed to assist children in poor districts, as well as to the Spring Buds Scheme, to promote girls' enrolment or return to school to complete their primary education.

7. The Committee also notes the information contained in the report that various laws and administrative regulations relevant to the rights of the child have been developed and introduced. The Compulsory Education Act, the Protection of Minors Act and the Protection of the Disabled Act and the work undertaken by the Help the Disabled Movement are noted.

C. Factors and difficulties impeding the implementation of the Convention

8. Taking into account the fact that the number of children in China represents one fifth of the child population of the world and that the population is spread throughout the vast territory of the country, the Committee notes that the task facing China in meeting the needs of all children under its jurisdiction presents enormous challenges, not least in the economic and social fields.

9. As was stated by the State party, the legacy of certain historical feudal traditions in parts of the country and the persistence of other harmful attitudes are adversely affecting children's lives and healthy growth.

D. Principal subjects of concern

10. The Committee notes the establishment of various structures for the promotion and coordination of the implementation of the Convention on the Rights of the Child though it remains concerned at the insufficient measures taken to ensure their effectiveness with regard to monitoring the Convention's implementation at the national, provincial and local levels.

11. The Committee is concerned about the prevailing disparities between urban and rural areas and between regions in relation to the provision of and access to social services, including education, health and social security.

12. It is the Committee's view that inadequate measures taken in the field of social security may have led to an over-reliance on children providing future care and support to their parents. This may have contributed to the perpetuation of harmful traditional practices and attitudes such as a preference for boys, to the detriment of the protection and promotion of the rights of girls and of disabled children.

13. The Committee feels there is a need to consider questions relating to the definition of the child, including in relation to the age of criminal responsibility, so as to ensure that national legislation and related procedures duly take into consideration the provisions and general principles of the Convention, including the best interests of the child.

14. In the view of the Committee, insufficient steps have been taken to create awareness of the provisions and principles of the Convention, notably its articles 2, 3, 6 and 12, among adults, including professionals working with or for children, and children themselves.

15. While noting the measures taken to confront the problems of discrimination on the grounds of gender and disability, the Committee remains concerned at the persistence of practices leading to cases of selective infanticide.

16. Serious concerns remain as to the effectiveness of measures taken to ensure the registration of all children, through the household registry. As acknowledged by the State party, absence of registration may be due to parents' lack of knowledge of the relevant law and policy and of the negative effects of non-registration on children's legal status. The migration of people from their traditional place of residence may cause similar difficulties. Deficiencies in the registration system lead to children being deprived of basic safeguards for the promotion and protection of their rights, including in the areas of child trafficking, abduction, sale and maltreatment, abuse or neglect. In this connection, the situation of "unregistered girls" as regards their entitlement to health care and education is a matter of concern to the Committee.

17. The Committee remains concerned about the actual implementation of the civil rights and freedoms of children. The Committee wishes to emphasize that the implementation of the child's right to freedom of thought, conscience and religion should be ensured in the light of the holistic approach of the Convention and that limitations on the exercise of this right can only be placed in conformity with paragraph 3 of article 14 of the Convention.

18. The Committee is extremely concerned about the situation of children provided with care in welfare institutions. The Committee observes that the very high mortality rate in such institutions is a cause for serious alarm. While the Committee appreciates the steps being taken to ensure, inter alia, the separation of children from adults in institutions and in providing

training to the staff, it remains deeply concerned about the inadequate measures adopted to ensure qualitative care to children as required by article 3, paragraph 3, of the Convention.

19. The Committee shares the concern expressed by the State party as regards the number of children in China who still do not attend school. It is also concerned about reports that school attendance in minority areas, including the Tibet Autonomous Region, is lagging behind, that the quality of education is inferior and that insufficient efforts have been made to develop a bilingual education system which would include adequate teaching in Chinese. These shortcomings may disadvantage Tibetan and other minority pupils applying to secondary and higher level schools.

20. In the framework of the exercise of the right to freedom of religion by children belonging to minorities, in the light of article 30 of the Convention, the Committee expresses its deep concern in connection with violations of human rights of the Tibetan religious minority. State intervention in religious principles and procedures seems to be most unfortunate for the whole generation of boys and girls among the Tibetan population.

21. The Committee remains concerned that national legislation appears to allow children between the ages of 16 and 18 to be sentenced to death with a two-year suspension of execution. It is the opinion of the Committee that the imposition of suspended death sentences on children constitutes cruel, inhuman or degrading treatment or punishment. Further, it is noted that under the Penal Code a juvenile offender aged between 14 and 18 may legally be sentenced to life imprisonment for a particularly serious crime. Although the sentence of life imprisonment may be reduced on the grounds of "repentance" or "merit" and judicial experience in China shows that sentences to life imprisonment can benefit from a mitigation, the Committee wishes to stress that the Convention prescribes that neither capital punishment nor life imprisonment without the possibility of release shall be imposed for offences committed by persons below the age of 18. It is the Committee's view that the aforementioned provisions of national law are incompatible with the principles and provisions of the Convention, notably those of its article 37 (a).

22. Additionally, the Committee remains concerned about the extent to which adequate safeguards are in place within the present system of juvenile justice in China. In this context, the Committee expresses concern with respect to the access of parents during the pre-trial detention of their children, the possibilities for the provision of legal assistance to children, the sufficiency of the time allocated for the preparation of a child's defence as well as respect for the presumption of innocence and the principle of nullum crimen sine lege, nulla poena sine lege as reflected in article 40, paragraph 2 (a).

23. The Committee shares the State party's concern that there has been an upsurge in recent years of kidnapping and abduction of children. In this connection, the Committee wishes to express its serious concern about the apparent inadequacy of measures taken to prevent and combat the problems of the sale, trafficking and sexual exploitation of children.

E. Suggestions and recommendations

24. In the light of the discussion in the Committee on the question of the continuing need for the State party's reservation to article 6 of the Convention and the information provided by the State party that it is open to considering making adjustments in regard to its reservation, the Committee encourages the State party to review its reservation to the Convention with a view to its withdrawal.

25. The Committee recommends that a comprehensive review of the domestic legal framework be undertaken. Such a review requires that the provisions and principles of the Convention serve as both its guide and support and that it encompass not only national but also local-level legislative and administrative measures impacting on the rights of the child.

26. The Committee recommends that the State party consider the possibility of setting up an independent institution such as an Ombudsperson for children's rights. Such a mechanism can play an important role both in monitoring institutions working in the field of the rights of the child, including in the areas of welfare, education and juvenile justice, as well as in contributing to the more rapid identification of emerging problems in these fields with a view to their constructive solution.

27. The Committee, in taking note of the activities undertaken throughout the State party to develop and implement outlines for the follow-up to the World Summit for Children, recommends that future outlines, development plans, programmes or plans of action on the rights of the child be prepared on the basis of all the provisions and principles of the Convention.

28. The State party is urged to take further action to strengthen its capacity for a systematic approach to collecting disaggregated statistical data and other information on the status of children. The Committee recommends that serious consideration be given to this matter by the State party as the analysis of such data and information is one additional and important means of designing programmes for the implementation of the rights of the child.

29. It is the recommendation of the Committee that the principles and provisions of the Convention on the Rights of the Child be widely disseminated throughout the country, including through the mass media, such as radio and television. It is suggested that the State party may wish to request the cooperation of the United Nations Children's Fund in this regard. The translation of the Convention into the major national minority languages would form an integral part of these dissemination activities.

30. The Committee would also like to recommend that measures be taken to incorporate education on the principles and provisions of the Convention into training programmes for different professionals working with or for children, including social workers, personnel in welfare institutions, doctors, health and family planning workers, teachers, judges, lawyers, police, personnel in detention facilities and armed forces personnel as well as government officials and decision makers.

31. A review of the policy in place for the implementation of article 4 of the Convention is recommended by the Committee. The Committee wishes to emphasize that the focus of any such review should be in relation to the measures being taken to reduce regional and urban-rural disparities in the allocation of resources for the rights of the child, especially with respect to health and education.

32. Equally, the Committee recommends that greater attention and consideration be given to the provision of social security. It is the Committee's view that remedial measures should be sought to avoid families' over-dependence on their children, in particular providing them with care in their old age.

33. Further measures are required to ensure the implementation of the general principles of the Convention. With regard to article 12 of the Convention, it is the Committee's view that greater attention should be accorded to providing children with opportunities to participate and have their views heard and taken into account. It is important that awareness be developed of the child as a subject of rights and not only as a recipient of protection. The Committee suggests that further attention be accorded to reviewing the effectiveness of procedures available to children for the presentation and investigation of complaints of their abuse or neglect, in the event of such violations arising from, inter alia, domestic violence and abuse in institutions or detention facilities.

34. The Committee concurs with the observations of the State party that concerted action is called for to address the problems faced by the girl child. While acknowledging the measures taken by the State party in campaigning and creating awareness among the population of the equality of girls and boys, the Committee suggests that local and other leaders be invited to take a more active role in supporting the efforts to prevent and eliminate discrimination against the girl child and to provide guidance to communities in this regard.

35. From information provided by the State party, the Committee notes that, while the incidence of disability among the child population is low, disabled children have been the victims of abandonment and discrimination. In this regard, the Committee recommends that the State party undertake further research on the measures required to prevent and combat discrimination on the ground of disability.

36. It is the Committee's view that family planning policy must be designed to avoid any threat to the life of children, particularly girls. The Committee recommends in this regard that clear guidance be given to the population and the personnel involved in the family planning policy to ensure that the aims it promotes are in accordance with principles and provisions of the Convention, including those of its article 24. The State party is urged to take further action for the maintenance of strong and comprehensive measures to combat the abandonment and infanticide of girls as well as the trafficking, sale and kidnapping or abduction of girls.

37. The Committee acknowledges the information provided by the State party on the results of two population censuses conducted in 1982 and 1990 and that the

non-registration of new-born girls is a major factor contributing to the imbalance in the ratio of boys to girls. The Committee, while noting that the State party has adopted measures to reduce the under-reporting of girl children, recommends that urgent measures be taken to develop more widespread awareness of the importance of registration. In the light of recent developments such as population movements within the country, the Committee also recommends that the State party consider the possibility of reviewing the effectiveness of the existing system of registration.

38. It is the opinion of the Committee that further measures should be taken by the State party to promote the possibilities for children, particularly those who have been abandoned, to grow up in a home-like environment through, inter alia, fostering and adoption. The Committee also suggests that the State party review the present legislation on adoption, in the light of the principles and provisions of the Convention, notably those of its articles 20 and 21, so as to evaluate the effectiveness of national legislation in facilitating domestic adoption.

39. The State party is urged to take further action to improve the situation of children in welfare institutions. In this regard, the Committee wishes to draw the particular attention of the State party to the principles and provisions of the Convention, notably those of its articles 3 (3) and 25. The Committee recommends that a further review of the training provided to the staff of such institutions be undertaken. The training should be reviewed from the perspective of securing the most effective pedagogical, professional and child-oriented approach to the provision of care. Measures are also required to ensure the effective supervision of staff and the periodic review of the treatment provided to children in such institutions. In the light of other issues raised during the dialogue with the State party, the Committee also suggests that further consideration be given to reviewing the systems in place for monitoring welfare institutions and for providing such institutions with adequate financing. Within the framework of facilitating access to knowledge and the sharing of expertise and experiences on these matters, including in the light of the provisions of articles 4, 23, 24, 28 and 45 of the Convention, the Committee suggests that consideration be given to the possibility of inviting the United Nations Children's Fund, the World Health Organization and the United Nations Educational, Scientific and Cultural Organization to cooperate with the State party in this regard.

40. The Committee suggests that a review be undertaken of measures to ensure that children in the Tibet Autonomous Region and other minority areas are guaranteed full opportunities to develop knowledge about their own language and culture as well as to learn the Chinese language. Steps should be taken to protect these children from discrimination and to ensure their access to higher education on an equal footing.

41. The Committee recommends that the State party seek a constructive response to the concerns expressed in paragraph 20 above.

42. The Committee concurs with the contents of the observations adopted by the Committee against Torture where the points raised are relevant to the situation of children below the age of 18. The Committee recommends that a thorough review of the legislative and administrative measures and procedures

in place within the State party in relation to juvenile justice be reviewed to ensure their conformity with the principles and provisions of the Convention, notably its articles 37, 39 and 40, and other instruments relevant to the field of the administration of juvenile justice, in particular the "Beijing Rules", the "Riyadh Guidelines" and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. The Committee would like to suggest that the State party consider the possibility of requesting assistance in this regard from the relevant United Nations bodies, including the Centre for Human Rights.

43. With regard to the issue of child labour, the Committee encourages the State party to consider the possibility of becoming a party to ILO Convention No. 138 concerning the minimum age for employment.

44. Finally, the Committee recommends that the widest dissemination be given to the State party's report, the discussion on the report in the Committee and the concluding observations the Committee has adopted following examination of the report.

45. In the light of the provisions of article 44, paragraph 4, of the Convention, the Committee requests that further written information be provided to the Committee with respect to the concerns raised in paragraphs 18, 21, 22 and 23 of the present observations. The Committee would appreciate receiving this information by December 1997.

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